



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,452	12/14/2003	Stanislav M. Bobrovskiy	109905-130792	3079
60380	7590	12/18/2007		
STEVEN C. STEWART REALNETWORKS, INC. 2601 ELLIOTT AVENUE, SUITE 1000 SEATTLE, WA 98121			EXAMINER LU, KUEN S	
			ART UNIT	PAPER NUMBER
			2167	
			MAIL DATE	DELIVERY MODE
			12/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mn

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,452	<b>Applicant(s)</b> BOBROVSKIY ET AL.	
	<b>Examiner</b> Kuen S. Lu	<b>Art Unit</b> 2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum-statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-23 is/are rejected.
- 7) ☒ Claim(s) 12 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reopened Prosecution***

1. The Action is responsive to Applicant's Appeal Brief filed October 9, 2007.
2. Applicant's Arguments/Remarks filed October 9, 2007, have been fully considered but they are moot on new grounds of rejection.
3. Please note claims 1-24 in the application have been examined, claims 1-11 and 13-23 are rejected, claims 12 and 24 are objected and claims 1-24 are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 4.1. Claims 1-11 and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Clements et al. (U.S. Patent Application 2002/0147739, hereafter "Clements") in view of Plourde, JR. et al. (U.S. Patent Application 2003/0110504, hereafter "Plourde").

As per claim 1, Clements teaches "A method of storing streamed presentation data within a container file" (See Fig. 4 and [0078] where a container file has a root storage to include streams, files, objects and attributes), the method comprising:

"receiving one or more data streams from each of one or more presentation sources within a presentation" (See [0055] where presentations of document distributors, free or fee-based users access a secure document repository for uploading and downloading files, the streamed data, into and from a container file, a presentation, in which users utilize networked computer, PDA and mobile or wireless digital phone); and

"creating within the container file, a virtual file for each of the one or more presentation sources" (See [0054], lines 7-12 where document distributor users store documents in a single container file and at [0095] and [0085], lines 10-18 where virtual files including track log and document properties for each document is created to track document events and describe information related to the document, including document name).

Concerning "temporarily storing first data associated with a first data stream of a first presentation source in association with a first virtual file corresponding to the presentation source", Clements teaches a temporary file created in the control module and a storage module is configured to support and enable the control module to access and retrieve data in the container file at [0075] and [0068] and further teaches users of various presentations may store data in different container file (See [0054], lines 7-12).

Clements does not explicitly teach that the temporary file stores data on temporary basis for user's uploading or downloading file data.

However, Plourde teaches utilizing time shift buffer space to temporarily store content instance files in time shifting manner (See Page [00089], last 11 lines).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Plourde with Clements reference by implementing a secure document repository to accommodate a delivery of specific type of documents to a specific category of users because both reference are directed to media content distribution and the combined teaching of the references would have provided a media distribution system capable of accurately calculating storage capacity, efficiently storing contents to storage devices and specifically distributing content in according to content types and user categories.

The combined teaching of the Plourde and Clements references further teaches the following:

"determining a container file size of the container file" (See Clements: [0024] where size of container file is tracked once when the file is created);

"temporarily storing additional data from the first data stream in place of at least a portion of the first data if the container file size is within a predetermined range of an identified maximum buffer size" (See Plourde: Page 11, [0090] where next media content is stored in the clusters of time shift buffer to overwrite previous content); and

"rendering at least one of said one or more data streams" (See Clements: [0055] where users access a secure document repository for uploading and downloading files, the streamed data, into and from a container file).

As per claim 13, Clements teaches "A machine readable storage medium having stored thereon machine executable instructions, which when executed operate to implement the method" (See Fig. 4 and [0078] where a container file has a root storage to include streams, files, objects and attributes) comprising:

"receiving one or more data streams from each of one or more presentation sources within a presentation" (See [0055] where presentations of document distributors, free or fee-based users access a secure document repository for uploading and downloading files, the streamed data, into and from a container file, a presentation, in which users utilize networked computer, PDA and mobile or wireless digital phone); and

"creating within a container file, a virtual file for each of the one or more presentation sources" (See [0054], lines 7-12 where document distributor users store documents in a single container file and at [0095] and [0085], lines 10-18 where virtual files including track log and document properties for each document is created to track document events and describe information related to the document, including document name).

Concerning "temporarily storing first data associated with a first data stream of a first presentation source in association with a first virtual file corresponding to the presentation source", Clements teaches a temporary file created in the control module and a storage module is configured to support and enable the control module to access and retrieve data in the container file at [0075] and [0068] and further teaches users of various presentations may store data in different container file (See [0054], lines 7-12).

Clements does not explicitly teach that the temporary file stores data on temporary basis for user's uploading or downloading file data.

However, Plourde teaches utilizing time shift buffer space to temporarily store content instance files in time shifting manner (See Page [00089], last 11 lines).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine the teaching of Plourde with Clements reference by implementing a secure document repository to accommodate a delivery of specific type of documents to a specific category of users because both reference are directed to media content distribution and the combined teaching of the references would have provided a media distribution system capable of accurately calculating storage capacity, efficiently storing contents to storage devices and specifically distributing content in according to content types and user categories.

The combined teaching of the Plourde and Clements references further teaches the following:

"determining a container file size of the container file" (See Clements: [0024] where size of container file is tracked once when the file is created);

"temporarily storing additional data from the first data stream in place of at least a portion of the first data if the container file size is within a predetermined range of an identified maximum buffer size" (See Plourde: Page 11, [0090] where next media content is stored in the clusters of time shift buffer to overwrite previous content); and

“rendering at least one of said one or more data streams” (See Clements: [0055] where users access a secure document repository for uploading and downloading files, the streamed data, into and from a container file).

As per claims 2 and 14, the combined teaching of the Plourde and Clements references further teaches “the additional data from the first data stream is stored in place of at least a portion of the first data if the container file size is equal to or exceeds the identified maximum buffer size” (See Plourde: Page 11, [0090] where the media content stored in the clusters of time shift buffer is overwritten and deleted, note buffering algorithms are applied when incoming data stream size is greater than that of free space).

As per claims 3 and 15 the combined teaching of the Plourde and Clements references further teaches the following:

“temporarily storing second data associated with a second data stream of the first presentation source in association with the first virtual file” (See Plourde: Page 11, [0089] where succeeding clusters for temporarily buffered media content instance files are streamed and stored in time shift buffer space); and

“temporarily storing additional data from the second data stream in place of at least a portion of the second data stored in association with the first virtual file if the container file size is within the predetermined range of the identified maximum buffer size” (See Plourde: Page 11, [0090] where the media content stored in the clusters of time shift



buffer is overwritten and deleted, note buffering algorithms are applied when subsequent incoming data stream size is greater than that of free space).

As per claims 4 and 16, the combined teaching of the Plourde and Clements references further teaches "rendering one of the first and second data streams in real-time contemporaneous with the storing of at least one of the first and second data streams" (See Plourde: Page 5, [0052] and Page 10, [0085] wherein real-time operating system environment multiple simultaneous data transfer operations for moving media content from cache to storage, and receiving new content and storing in cache are effectively orchestrated).

As per claims 5 and 17 the combined teaching of the Plourde and Clements references further teaches the following:

"temporarily storing data associated with a third data stream of a second presentation source in association with a second virtual file" (See Plourde: Page 11, [0089] where succeeding clusters for temporarily buffered media content instance files are streamed and stored in time shift buffer space); and

"temporarily storing additional data from the third data stream in place of at least a portion of the data stored in association with the second virtual file if the container file size is within the predetermined range of the identified maximum buffer size" (See Plourde: Page 11, [0090] where the media content stored in the clusters of time shift

buffer is overwritten and deleted, note buffering algorithms are applied when subsequent incoming data stream size is greater than that of free space).

As per claims 6 and 18, the combined teaching of the Plourde and Clements references further teaches "the maximum buffer size is proportional to an amount of time indicated via a user interface" (See Plourde: Page 12, [0097] where capacity of time shift buffer is assumed and estimated based on duration of media content instance time, for example 3-4 hours).

As per claims 7 and 19, the combined teaching of the Plourde and Clements references further teaches "the maximum buffer size is dynamically increased during the storing of data from the first data stream" (See Plourde: Page 12, [0097] where time shift buffer size is set and free space is tracked, and Clements: [0024] where files delivered to a container file is tracked).

As per claims 8 and 20, the combined teaching of the Plourde and Clements references further teaches "the first data and additional data are stored in a native packet format prior to a decoding process" (See Plourde: Page 6, [0063] where compressed audio and video streams are produced in accordance with the syntax and semantics of a designated audio and video coding method).

As per claims 9 and 21 the combined teaching of the Plourde and Clements references further teaches the following:

"at least a first data block" (See Clements: [0018] where all storage resource allocated is tracked); and

"a file descriptor block containing at least a seek index and a seek index granularity, wherein the seek index indicates a plurality of equally distributed data blocks within the corresponding virtual file and the granularity indicates a size for each of the data blocks" (See Plourde: Fig. 3C, Page 10, [0088] and Page 15, [0110] where FAT file entry describes information about media content instance files, such as physical locations and filter is provided to user to seek media content for contemporaneous viewing).

As per claims 10 and 22, the combined teaching of the Plourde and Clements references further teaches "the additional data is stored in place of the first data beginning with the first data block and continuing with successive data blocks of the first virtual file" (See Plourde: Page 11, [0089] where succeeding clusters for temporarily buffered media content instance files are streamed and stored in time shift buffer space).

As per claims 11 and 23, the combined teaching of the Plourde and Clements references further teaches "if the container file size is within the predetermined range of the identified maximum buffer size, the seek index granularity is increased so as to increase data block size without changing the number of seek index entries" (See

Plourde: Page 12, [0097] where time shift buffer size is set and free space is tracked, and Clements: [0018] where all storage resource allocated is tracked).

***Allowable Subject Matter***

5. Claims 12 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome if any rejections(s) under 35 U.S.C. § 101 and 35 U.S.C. § 112, and in independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record

A. U.S. Patent Application 2003/0110504

F. U.S. Patent Application 2002/0147739

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B. U.S. Patent No. 6,205,525

C. U.S. Patent Application 2004/0193648

D. U.S. Patent No. 6,449,653

E. U.S. Patent No. 5,933,385


***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kuen S. Lu whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's

Art Unit: 2167

Supervisor, John Cottingham can be reached on (571)-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-27-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kuen S. Lu, 

Patent Examiner, Art Unit 2167

December 15, 2007

